

CHAPTER NO. 137

HOUSE BILL NO. 1206

By Representatives Maddox, Armstrong, Ferguson, Kisber, Fitzhugh

Substituted for: Senate Bill No. 461

By Senators Rochelle, Fowler

AN ACT to amend Tennessee Code Annotated, Title 33, relative to developmental disabilities services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-108. The Department of Mental Health and developmental disabilities, division of developmental disabilities services, shall assess in writing the fiscal impact on licensees under Title 33, Chapter 2, Part 4, of any change to any rule, regulation, policy or guideline relating to the staffing, physical plant or operating procedures of such licensee for rendering services pursuant to a contract, grant or agreement with the division for developmental disabilities services. Unless exigent circumstances require the change to be implemented sooner, no less than thirty (30) days before any such change in such rule, regulation, policy or guideline is to take effect, the department's estimate of fiscal impact shall be transmitted by the deputy commissioner for developmental disabilities services to the House Finance, Ways and Means Committee, the Senate Finance, Ways and Means Committee and the Comptroller of the Treasury for any appropriate review. If exigent circumstances, such as an unforeseen court order, require a change to be implemented sooner, then the division's statement describing the exigent circumstances that prevented thirty (30) days notice shall be provided to the House Finance, Ways and Means Committee, the Senate Finance, Ways and Means Committee and the Comptroller of the Treasury not later than five (5) days after implementing the change. In such case the division shall provide the estimate of fiscal impact to the entities above within sixty (60) days after implementing the change.

SECTION 2. The provisions of Section 1 shall apply to any change to any rule, regulation, policy or guideline relating to the staffing, physical plant or operating procedures of such licensee for rendering services pursuant to a contract, grant or agreement with the division for mental retardation services occurring on and after March 1, 2001. It is the clear and unequivocal intent of the General Assembly that Section 1 has retroactive application to March 1, 2001.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PASSED: April 16, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 26th day of April 2001


DON CONQUIST, GOVERNOR